

EAST PALESTINE VILLAGE COUNCIL MONDAY MAY 11, 2015 7PM 85 N. MARKET ST.

Mayor Zuch called the meeting to order, present was Atty. Beagle, Mr. Elzer, Mr. Cohen, Mr. Tyger and Mrs. Wisser. (Mr. Figley was absent). Also present was Village Manager Pete Monteleone, Law Director Dave Powers, Finance Director Traci Thompson, and Clerk Misti Martin. The minutes from the April 27th Regular and Utility Committee meetings and the May 6th Utility Committee meeting were approved on a motion by Mr. Elzer seconded by Atty. Beagle. The April 2015 department reports were approved on a motion by Mr. Cohen seconded by Mrs. Wisser. There were no agenda items or clerks report.

MAYOR: Mayor Zuch stated the next meeting would fall on May 25, which is Memorial Day and asked if Council wanted to move the meeting. Mr. Cohen made a motion to move the meeting to Tuesday May 26, seconded by Atty. Beagle. All in favor.

MANAGER: At this point Fire Chief Brown announced that the Firefighters Association is selling raffle tickets for \$5 each for a meat package at Doyle's worth \$130, a 5 cubic ft chest freezer worth \$130 and a pop and water package worth \$20 with all proceeds to benefit the fireworks on the 4th of July and the drawing will be May 24th at the Street Fair. Monteleone said the bid for SRTS were opened on Friday. He also said Steve Baird and Jerry Coblentz have been working hard on the pool, it's painted and they started filling it. Mr. Cohen asked about setting aside an area going into the park for a designated area for people to walk and Monteleone said there will be a sidewalk there now which is included in the SRTS.

LAW DIRECTOR: Atty. Powers stated he had sent links from the OEPA showing consequences for some communities that had similar situations in regards to upgrades to the sewer systems; he also said he was surprised as to how low some of the fines actually were. He also said he reviewed our ordinances and that we already have things on the books to address inflow situations from basements and sump pumps. Mr. Elzer asked if those could be tied to property transfers and Powers said there currently isn't but we could do something to make it so. Mr. Cohen was worried about taking it to far and adding a huge cost to the house and that he is worried about someone walking away from a potential purchase because of it. Powers said it may be a good idea to require a dye test upon transfer saying it wouldn't cost much and would give valuable information.

STREET: NO REPORT (MR. FIGLEY WAS ABSENT)

S/P/R/C: Mr. Cohen said they did a test run of the Splash Pad and it worked great and it is set to open when the pool opens. Committee member Ellen Beagle said the park needed some mowing and Monteleone said they worked on it all day today.

DEVELOPMENT: Mr. Elzer reminded everyone the Street Fair is coming up. He also asked Chief Dickey to talk about the large police presence that was in town a couple weeks ago. Chief Dickey stated they conducted a joint multi agency "blitz" targeting seatbelts, safety violations and safe driving along with a drug interdiction. Chief Dickey said the officers made around 40 traffic stops with 14 citations and 2 drug arrests. Mr. Elder said they had previously discussed marketing of the housing developments in town and that he would have something to present by the middle of next month.

UTILITY: Mrs. Wisser stated council would be making a decision tonight as to whether to proceed with the EQ tank project or the slip lining project.

FINANCE: NO REPORT

VISITORS: Chief Josh Brown, John & Dot Herbert, John Jurjavic, Brock Jurjavic, Mark Walker, Kent Chapman, Dan Scott, Jerry Coblentz, Rick & Karen Gorby, Steve Baird, Zach Gorby, John Davis, John Simon, Chief Kevin Dickey, Terri Ward, Mary Beth DiCello & Katie White.

VISITORS COMMENTS ON CURRENT LEGISLATION: John Davis asked about the Dura patch machine, if we had looked at other companies as he feels we are rushing into the purchase. He said he felt we should lease it for only one year and if it doesn't work like it should we could send it back. Monteleone said it is a lease and that there are only two companies who make the machine; also they are used all over. This machine will revolutionize the process and the patches will be permanent and also work better on the smaller more shallow holes. Mr. Davis asked if the state uses this machine and Monteleone said yes. Mr. Davis asked what we would pull the patcher with as our trucks are in bad shape and Monteleone said we have vehicles to pull it with. Mr. Cohen said he was skeptical in the beginning but after seeing the demonstration he was quite impressed. Monteleone said it takes six guys to put down a load of eight tons of hot patch, this machine can be run with two men; it is a little slower but it will enable us to patch more often and also be able to do it for almost 8 months out of the year. He said the machine holds 250 gallons of emulsion at a price that is comparable to blacktop. Mr. Davis then asked why we needed two new trucks for the fire department and Monteleone said it is replacing two that we already have. Chief Brown stated that one truck is a grass fire truck the other is a pickup truck that will take the place of the rescue truck. Mr. Davis suggested getting a gator to drive the men back to the fire if need be. Kent Chapman asked if someone could explain the bid process for the fire department trucks and Monteleone said we use the state bid purchasing. Chapman asked if that excluded selecting a local vendor and Monteleone said no. At this point Mr. Cohen made a motion to amend the agenda to make ordinances 7 & 8 (Durapatcher & financing for Durapatcher) emergencies tonight, seconded by Mr. Elzer. Atty. Beagle-y, Mr. Elzer-y, Mr. Cohen-y, Mr. Tyger-y & Mrs. Wisser-y. 5 yes to pass. In reference to the community center legislation Mr. Elzer said there had been discussion on terminology as to whether it should be free to events that are open to the public or events that benefit the village. Mr. Tyger stated he felt the guidelines would need to be very specific to events such as Dog Days, the Easter Egg Hunt, the Turkey Trot, etc and that we need the funds from the rentals there. Mr. Cohen said he wouldn't want to specifically name events; he would want it open to community events where the entire community is invited which would in turn encourage non profits to have more community wide events. He said he is concerned with overbooking and shutting out people who are willing to pay. Mr. Elzer said that he thought last year profits for non profits was around \$1600 to \$2000 and said that is a small amount compared to what could be gained by these events, for instance if the Chamber wanted to have a business development meeting we shouldn't charge them for it as it benefits the village. He said we gain more from events like these than having a family rent the center. Finance Director Traci Thompson stated that it would come down to herself and Misti to decide who would get it for free and that is a lot of pressure, Clerk Misti Martin agreed saying that when this issue came out in the paper the last time people were coming out of the wood work asking for it for free. Thompson said it was a nightmare. Monteleone said that the week that happened if we gave it to them for free it was going to eliminate paying rentals. Mr. Cohen stated he had proposed in the alternate ordinance making the non profits pay a \$200 deposit. John Jurjavic asked the clerk how many non profits we had in the village and Martin said a lot but she couldn't remember the exact figure at which point Jurjavic said if we are going to give it away for non profits we may as well "leave the door open". Mr. Elzer asked how many of those non profits actually benefit the community and Jurjavic said they all do in one way or another. Elzer then asked how many of them have events where they would need the community center. Mr. Cohen said in the legislation he proposed the criteria would state the events must be open to the public and an invitation must be extended to everyone in the village. Jurjavic asked what would happen if a nonprofit booked the center a year in advance and then a paying customer wanted to rent it the same day, would the paying customer be turned away. Mr. Cohen asked how Rotary handles it for the Easter Egg Hunt. Traci Thompson said that they do book it in advance but they also pay the \$160 fee and get the \$100 refund afterwards, she said personally as a Rotary member she doesn't have a problem with it. Mr. Tyger said worst case scenario a few people can form a nonprofit just to get the center for free, at which point Mr. Cohen said he was hoping to find some middle ground. Mr. Tyger said in speaking with the organizers of Dog Days they said in order to keep the ordinance as it is they are willing to pay the rental fees. Mr.

Elzer said that sends the wrong message from the administration. Mr. Elzer said it may be better to start over instead of trying to modify an existing or proposed ordinance. Thompson said we still have to pay maintenance on the building if we give it away for example heat, air, and janitorial. Monteleone suggested the village partnering with an organization for an event that we feel is beneficial to the community and then there would be no rental fee as the village doesn't pay to rent its own facilities. Mr. Cohen suggested having an organization make an application for an event. Atty. Beagle stated that if an organization did ask for the center, for example every Saturday throughout the summer, that we could tell them no. Mayor Zuch stated she felt the Manager should make the final decision on the nonprofit rentals and not Thompson and Martin. Atty. Beagle stated that they should give the Manager the guidelines and he will make the decisions. Manager Monteleone asked if the siphon work was being included in the resolution for sanitary sewer improvements, Mr. Cohen then said that whether they go with the EQ basin or not the siphon project should be included because it's a problem regardless of the tank and would also make the EPA happy. Atty. Powers said he tried to keep the sanitary sewer improvement resolution vague because the engineers are going to have to come up with a proposal, and he feels the slip lining and siphon issue can fall under this resolution. Mr. Cohen asked why we couldn't get funding through the EPA for slip lining if we were going to get it for the eq tank. Monteleone said his understanding was once a plan was put in place to the EPA it would then go to DEFA and their engineers trump everyone else and they could actually say no the plan for slip lining and require additional work to be done. WWTP Superintendant John Jurjavcic said once a proposal goes to DEFA their engineers take over and if their engineers don't agree with the plan they can add more to it and drive the cost up because we are asking for their money. Monteleone said that is why Diorio suggested a different funding source (OWDA). Jurjavcic said he also wasn't sure if we would have to submit for a PTI for slip lining because it is rehab and not replacement. Mr. Cohen asked if we could submit for a PTI anyway and Jurjavcic said he didn't know. Jurjavcic said that Mr. Cohen mentioned still doing the siphon and he said it does need done but the additional 24inch line he is talking about was going to the eq tank but if you eliminate the tank there are now two 24 inch lines running parallel to the plant plus the aerial crossing which will cause a hydraulic issue and the plant won't be able to handle that much flow without the eq tank as they back up now. Mr. Cohen asked if the siphon project was designed in conjunction with the tank and Jurjavcic said yes. Jurjavcic said even running another 24 inch line isn't going to help during a heavy rain event, he said they are already pushing five million gallons and can't handle any more. Mr. Elzer said that is why slip lining will help, Jurjavcic said he understood that but we are a ways off from doing it as more flow studies are needed. Mr. Elzer asked why more studies are needed if they will come in and clean and camera the lines, Jurjavcic asked how they would know where to start, the flow studies that were completed were done with monitors in the trunk lines and each trunk line has "veins", also the gentleman from Insight Pipe even said you start at the end you start at the end and work your way down. Mr. Elzer said they were told they could tell the problem areas from the stains in the lines and that we can't leave things the way they are. Jurjavcic said the decision is up to council he will live with what they decide. At this point Shirley Glavan in the audience asked Jurjavcic what he thought should be done, Jurjavcic said he wouldn't give his opinion because the last time he did they wanted to fire him.

LEGISLATION: Atty. Beagle introduced Ord. 5-2015 for a third reading and made a motion that it be read by title only, seconded by Mr. Cohen **An ordinance to approve a settlement of a dispute regarding the providing water and sewer services to permanent parcel numbers 68-00427000, 67-00384000 and 67-00384003 owned by David and Michelle Vargo.** Atty. Beagle called for a vote Ord. 5-2015. Att. Beagle-y, Mr. Elzer-y, Mr. Cohen-y, Mr. Tyger-n, Mrs. Wisser-y. 4-1 to pass. Atty. Beagle introduced Ord. 6-2015 and made a motion that it be read by title only. **An ordinance adopting amendments to the Village of East Palestine employee handbook.** Atty. Beagle called for a vote on Ord. 6-2015. Mr. Elzer-y, Mr. Cohen-y, Mr. Tyger-y, Mrs. Wisser-y, Atty. Beagle-y. 5 yes to pass. Atty. Beagle introduced Ord. 7-2015 . **An ordinance authorizing the Village Manager to enter into a contract with Cimline Pavement Maintenance Group or its authorized distributor for the lease or purchase of a "Durapatcher" spray injection patching trailer.** Atty. Beagle made a

motion to suspend the rules and declare an emergency. Atty. Beagle-y, Mr. Cohen-y, Mr. Elzer-y, Mr. Tyger-y, Mrs. Wisser-y. Atty. Beagle called for a vote on Ord. 7-2015. . Atty. Beagle-y, Mr. Cohen-y, Mr. Elzer-y, Mr. Tyger-y, Mrs. Wisser-y. 5 yes to pass. Atty. Beagle introduced Ord. 8-2015 for a second reading and made a motion that it be read by title only, seconded by Mr. Cohen. **An ordinance authorizing the Municipal Manager to enter into and execute all financing documents as required by Cimline Pavement Maintenance Group or its authorized distributor to secure financing in the principle amount of \$56,673.00 with 3.98 % interest for the lease or purchase of a Durapatcher spray injection patching trailer.** Atty. Beagle made a motion to suspend the rules and declare an emergency. Atty. Beagle-y, Mr. Cohen-y, Mr. Elzer-y, Mr. Tyger-y, Mrs. Wisser-y. Atty. Beagle called for a vote on Ord. 8-2015. . Atty. Beagle-y, Mr. Cohen-y, Mr. Elzer-y, Mr. Tyger-y, Mrs. Wisser-y. 5 yes to pass. Mr. Cohen made a motion to table Ord. 9-2015 for further consideration seconded by Atty. Beagle. All in favor. Atty. Beagle introduced Ord. 10-2015 for a second reading and made a motion that it be read by title only seconded by Mr. Cohen. . **An ordinance authorizing the Village Manager to enter into a contract with Donnell Ford and Various other vendors as set forth in the attached exhibit A. for the purchase of two 2015 Ford Trucks to be used by the Fire Department for brush trucks.** Atty. Beagle introduced Res. 7-2015 and made a motion that it be read by title only seconded by title only. **A resolution authorizing the Village Manager to proceed with the wastewater treatment equalization basin project and sanitary sewer system improvements as recommended in the preliminary design report dated march 2015, submit all required applications to the Ohio EPA and Ohio Water Development authority for a design loan, sign all loan agreements, and declaring an emergency.** Atty. Beagle called for a vote on Res. 7-2015. Atty. Beagle-n, Mr. Elzer-n, Mr. Cohen-n, Mr. Tyger-n, Mrs. Wisser-n. Voted down 5-0. Atty. Beagle introduced Res. 8-2015 and made a motion that it be read by title only seconded by Mr. Cohen. **A resolution authorizing the Village Manager to proceed with sanitary sewer system improvements, submit all required applications to the Ohio EPA and Ohio Water Development Authority for loans to complete the projects, sign all loan agreements and declaring an emergency.** Atty. Beagle made a motion to suspend the rules and declare an emergency. Atty. Beagle-y, Mr. Elzer-y, Mr. Cohen-y, Mr. Tyger-y, Mrs. Wisser-y. Atty. Beagle called for a vote on Res. 8-2015. Atty. Beagle-y, Mr. Elzer-y, Mr. Cohen-y, Mr. Tyger-y, Mrs. Wisser-y. 5 yes to pass.

ADJOURN: Mr. Elzer made a motion to adjourn seconded by Mr. Cohen. All in favor meeting adjourned.

MISTI J. MARTIN CLERK

MARGO ZUCH MAYOR